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**MAILED**  
**DEC 15 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Frank L. Rees	:	
Application No. 10/722,648	:	ON PETITION
Filed: November 25, 2003	:	
Attorney Docket No. Greene-P1-03	:	

This is a decision on the petition, filed November 1 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The above-identified application was held abandoned because the period for seeking court review of the decision by the Board of Patent Appeals and Interferences mailed August 31, 2010, had expired and there were no allowed claims. A Notice of Abandonment was mailed September 2, 2010.

Petitioner asserts that the Abandonment be withdrawn as it was premature since the applicant is entitled to request a rehearing of the Board of Patent Appeals and Interferences decision.

A review of the file record indicates that a Decision on Appeal was mailed August 31, 2010, which states that a two-month time period for filing an appeal or commencing a civil action, as recited in 37 CFR 1.304, or for filing a request for rehearing, as recited in 37 CFR 41.52, will run from the mail date of August 31, 2010 as shown on the PTOL-90A cover letter attached to the decision mentioned above.

Accordingly, the holding of abandonment is withdrawn as premature.

Since no fee is required for a petition under 37 CFR 1.181 to withdraw the holding of abandonment, the fee of \$400 will be refunded to petitioner's deposit account as authorized.

This application is being referred to the Board of Patent Appeals and Interferences for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions